

Fair Isaac Corporation vs. Federal Insurance Company, et al.

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UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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FAIR ISAAC CORPORATION,

Plaintiff,

v. Court File No. 16-cv-1054 (WMW/DTS)

FEDERAL INSURANCE COMPANY,  
an Indiana corporation, and ACE  
AMERICAN INSURANCE COMPANY,  
a Pennsylvania corporation,

Defendants.  
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VIDEO DEPOSITION OF

CHRIS IVEY

MARCH 14, 2019

8:41 A.M.



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<p>1 <b>A. Okay.</b></p> <p>2 Q. -- relating to the Document Print Project?</p> <p>3 <b>A. Correct.</b></p> <p>4 Q. What does that relate to?</p> <p>5 <b>A. I don't recall that project.</b></p> <p>6 (Exhibit Nos. 376 and 377 were marked for</p> <p>7 identification.)</p> <p>8 BY MS. JANUS:</p> <p>9 Q. Showing you what's been marked as document 377,</p> <p>10 this is a change order dated October 15, 2010, and</p> <p>11 this is Extension of Rule Maintenance &amp; Versioning</p> <p>12 Strategy for Chubb Specialty Insurance, correct?</p> <p>13 <b>A. This is -- sorry, can you repeat that?</b></p> <p>14 Q. What does this relate to?</p> <p>15 <b>A. Oh, sorry, yes, the Extension of Rule Maintenance</b></p> <p>16 <b>&amp; Versioning Strategy for Chubb Specialty</b></p> <p>17 <b>Insurance.</b></p> <p>18 Q. And what is that?</p> <p>19 <b>A. I don't know what the CSI project was, but it</b></p> <p>20 <b>sounds like we were helping them to walk through</b></p> <p>21 <b>issues that -- concerns they had about maintaining</b></p> <p>22 <b>and versioning their business rules.</b></p> <p>23 Q. What does versioning business rules mean?</p> <p>24 <b>A. That would be like we talked earlier about how you</b></p> <p>25 <b>would implement a -- or change a rule or implement</b></p> <p style="text-align: right;">Page 134</p>	<p>1 MS. KLIEBENSTEIN: October 29th.</p> <p>2 THE WITNESS: October 29, yeah.</p> <p>3 MS. JANUS: Okay. That's 378?</p> <p>4 MS. KLIEBENSTEIN: Just put it on the next</p> <p>5 one.</p> <p>6 MS. JANUS: Right. I just don't know what --</p> <p>7 378 -- okay -- October 29, 2010 Statement</p> <p>8 of Work change order.</p> <p>9 THE WITNESS: Correct.</p> <p>10 BY MS. JANUS:</p> <p>11 Q. Take a moment to review this and let me know what</p> <p>12 it relates to.</p> <p>13 <b>A. It looks as though it's another consulting</b></p> <p>14 <b>assistance type of Statement of Work that talks to</b></p> <p>15 <b>kind of us bringing in some industry expertise</b></p> <p>16 <b>around insurance personal lines.</b></p> <p>17 Q. Where are you looking?</p> <p>18 <b>A. Part ii.</b></p> <p>19 Q. Where specifically?</p> <p>20 <b>A. Sorry. I guess I'm just talking generally over</b></p> <p>21 <b>the -- we're going to -- consulting assistance for</b></p> <p>22 <b>the following, that we would do an industry --</b></p> <p>23 <b>bringing -- consult them on an industry overview,</b></p> <p>24 <b>the rules taxonomy, rules harvesting, underwriting</b></p> <p>25 <b>rules use cases.</b></p> <p style="text-align: right;">Page 136</p>
<p>1 a rule and -- or change a rule in a test</p> <p>2 environment and then promote it to production, so</p> <p>3 it would take over a new version which you could</p> <p>4 then -- you know, if things didn't go well, you</p> <p>5 presumably roll back to the last version.</p> <p>6 (Exhibit No. 378 was marked for identification.)</p> <p>7 BY MS. JANUS:</p> <p>8 Q. Showing you what's been marked as document 378.</p> <p>9 MS. KLIEBENSTEIN: We missed 376. We can --</p> <p>10 I mean, you can just stick it in there. Whatever.</p> <p>11 This is 377. 375.</p> <p>12 MS. JANUS: Oh, I have 376.</p> <p>13 MS. KLIEBENSTEIN: You have it right there?</p> <p>14 MS. JANUS: Oh, I bet -- what's your 375?</p> <p>15 MS. KLIEBENSTEIN: Here's 375.</p> <p>16 MS. JANUS: Yeah, okay. That's correct. So</p> <p>17 can I have that -- 377 back?</p> <p>18 THE WITNESS: 377 back?</p> <p>19 MS. JANUS: Well, no, forget it. Just keep</p> <p>20 that.</p> <p>21 THE WITNESS: Okay.</p> <p>22 MS. KLIEBENSTEIN: So this is 77?</p> <p>23 MS. JANUS: Yep. And now you have 378?</p> <p>24 THE WITNESS: I do.</p> <p>25 MS. JANUS: Which is June 1, 2010? No.</p> <p style="text-align: right;">Page 135</p>	<p>1 Q. So generally, I -- obviously we can read the</p> <p>2 document, but --</p> <p>3 <b>A. Right.</b></p> <p>4 Q. -- what -- explain in your own words what this</p> <p>5 Statement of Work would relate to then.</p> <p>6 <b>A. It generally sounds like -- okay. So it's in the</b></p> <p>7 <b>context of Center of Excellence, so it's a</b></p> <p>8 <b>continuation of the -- I think the education</b></p> <p>9 <b>around the -- of the Center of Excellence at</b></p> <p>10 <b>Chubb.</b></p> <p>11 Q. And it's for 320 hours?</p> <p>12 <b>A. Correct.</b></p> <p>13 Q. Based on this and other Statements of Work we've</p> <p>14 seen, it appears that FICO had detailed knowledge</p> <p>15 of Chubb's Center of Excellence?</p> <p>16 <b>A. I mean, I would assume that we knew what, yeah,</b></p> <p>17 <b>what Chubb was trying to achieve with the Center</b></p> <p>18 <b>of Excellence and that this was part of the</b></p> <p>19 <b>education, yeah.</b></p> <p>20 Q. In connection with that, I take it that FICO would</p> <p>21 have to have knowledge of how Blaze was being</p> <p>22 used?</p> <p>23 <b>A. I mean, again, I think we -- you know, we</b></p> <p>24 <b>participated in enough of the projects here, based</b></p> <p>25 <b>on the Statements of Work, that we knew how it was</b></p> <p style="text-align: right;">Page 137</p>

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<p>1 being used in those projects.</p> <p>2 As far as the Center of Excellence, it</p> <p>3 seems like the Center of Excellence is a little</p> <p>4 more agnostic like we talked about where it's kind</p> <p>5 of a Center of Excellence, so it's not based on</p> <p>6 one specific project.</p> <p>7 Q. Right. So it's more generalized, right?</p> <p>8 A. Correct.</p> <p>9 Q. And it relates presumably to all of the uses of</p> <p>10 Blaze within the Chubb entities, correct?</p> <p>11 A. Correct.</p> <p>12 Q. We've seen Statements of Work that really aren't</p> <p>13 related to a particular project as well, correct?</p> <p>14 A. Correct.</p> <p>15 Q. Those Statements of Work, some of them have</p> <p>16 provided that FICO will provide general support to</p> <p>17 Chubb in connection with Blaze, correct?</p> <p>18 A. Correct.</p> <p>19 Q. Showing you what's been marked as Exhibit 376,</p> <p>20 this is an amendment dated November 5, 2010 and</p> <p>21 it's an extension of time, correct?</p> <p>22 A. Correct.</p> <p>23 Q. Is that the primary purpose of this or are there</p> <p>24 other --</p> <p>25 A. It does seem to be the primary purpose of this.</p> <p style="text-align: right;">Page 138</p>	<p>1 A. I'm not aware. I don't know.</p> <p>2 Q. Okay.</p> <p>3 A. There may have been.</p> <p>4 (Exhibit No. 380 was marked for identification.)</p> <p>5 BY MS. JANUS:</p> <p>6 Q. Showing you what's been marked as Deposition</p> <p>7 Exhibit 380, this is a document that we are</p> <p>8 producing today, Heather, that shows the payments</p> <p>9 from Chubb to FICO. Have you -- you testified you</p> <p>10 did not know what the payments from Chubb to FICO</p> <p>11 were in total, correct?</p> <p>12 A. That's correct.</p> <p>13 Q. If you take a look at the last page of Exhibit</p> <p>14 380, you see the line Total for Currency?</p> <p>15 A. Yes.</p> <p>16 Q. The number there is \$6,619,560. Do you see that?</p> <p>17 A. I do.</p> <p>18 Q. Do you know whether that represents the amount</p> <p>19 that Chubb has paid to FICO in connection with the</p> <p>20 Blaze Advisor software and the professional</p> <p>21 services it received?</p> <p>22 A. I can't speak to that.</p> <p>23 Q. Do you have any reason to think that that number</p> <p>24 is inaccurate?</p> <p>25 A. I mean, if -- I have no reason to believe that</p> <p style="text-align: right;">Page 140</p>
<p>1 Wish to extend the timeframe. It seems like</p> <p>2 they've changed the allocation of hours, but</p> <p>3 essentially it's moving, yeah, little pieces</p> <p>4 around.</p> <p>5 (Exhibit No. 379 was marked for identification.)</p> <p>6 BY MS. JANUS:</p> <p>7 Q. Showing you what's been marked as Exhibit 379,</p> <p>8 this is a Statement of Work dated July 8, 2011.</p> <p>9 Take a moment to review this, let me know --</p> <p>10 A. Yep. Okay.</p> <p>11 Q. What does this relate to?</p> <p>12 A. So this is another Blaze Advisor fundamentals job</p> <p>13 course delivered to Chubb.</p> <p>14 Q. Do you know whether there were additional</p> <p>15 Statements of Work entered into after 2011?</p> <p>16 A. I don't know.</p> <p>17 Q. Are Statements of Work and the monies paid</p> <p>18 pursuant to Statements of Work on top of</p> <p>19 maintenance fees?</p> <p>20 A. Yes.</p> <p>21 Q. Or I should say in addition to maintenance fees?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And you said you don't know whether there</p> <p>24 were additional Statements of Work entered into by</p> <p>25 Chubb and FICO?</p> <p style="text-align: right;">Page 139</p>	<p>1 this isn't a document that shows all the payments</p> <p>2 to FICO and that it totals 6.6 million if that's</p> <p>3 what you're asking.</p> <p>4 Q. Okay. We talked about the number of hours that</p> <p>5 FICO spent providing professional services to</p> <p>6 Chubb in connection with Blaze, correct?</p> <p>7 A. Correct.</p> <p>8 Q. Would it surprise you if it was more than 3,000</p> <p>9 hours over the course of the license agreement?</p> <p>10 A. It wouldn't surprise me based on what we've looked</p> <p>11 at.</p> <p>12 Q. Would you agree with me that FICO had in-depth</p> <p>13 knowledge of the ways in which the Chubb group of</p> <p>14 entities were using Blaze?</p> <p>15 A. I think there were specific individuals at various</p> <p>16 points in time, yes, that had knowledge of the</p> <p>17 projects, to my knowledge.</p> <p>18 I know territories are an issue here, so</p> <p>19 I know that those resources were North American</p> <p>20 based and would have been aware what I perceive to</p> <p>21 be the North American projects that we were</p> <p>22 working on.</p> <p>23 Q. So sticking with your answer for a moment then, so</p> <p>24 FICO had in-depth knowledge of the projects that</p> <p>25 involved Blaze that were being carried out in</p> <p style="text-align: right;">Page 141</p>

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<p>1 North America?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. Let's talk about FICO's knowledge of projects in</p> <p>4 other territories as well.</p> <p>5 <b>A. Okay.</b></p> <p>6 Q. FICO had some knowledge, I take it, of projects</p> <p>7 that Chubb was carrying out relating to Blaze in</p> <p>8 the UK, correct?</p> <p>9 <b>A. In my review of Mike Sawyer's testimony, that's --</b></p> <p>10 <b>generally they were -- there was discussion of</b></p> <p>11 <b>this topic, yes.</b></p> <p>12 Q. And so my question to you is, was FICO aware that</p> <p>13 Chubb was using Blaze in the UK, in Europe?</p> <p>14 <b>A. I can't speak personally to it, but I will rely on</b></p> <p>15 <b>Mike Sawyer's testimony. I wouldn't presume to</b></p> <p>16 <b>dispute anything that was in his testimony.</b></p> <p>17 Q. Sure. And so the answer is yes, that FICO was</p> <p>18 aware that Chubb was using Blaze in Europe?</p> <p>19 MS. KLIEBENSTEIN: Objection, asked and</p> <p>20 answered.</p> <p>21 THE WITNESS: I'll just --</p> <p>22 BY MS. JANUS:</p> <p>23 Q. I don't think -- okay.</p> <p>24 <b>A. Sorry.</b></p> <p>25 Q. I get that you're relying on Mike Sawyer's</p> <p style="text-align: right;">Page 142</p>	<p>1 pursuant to Topic 6 of the deposition notice</p> <p>2 marked as 340, right?</p> <p>3 <b>A. Correct.</b></p> <p>4 Q. Okay. And so my question was, did FICO know about</p> <p>5 the use of Blaze outside of the United States by</p> <p>6 Chubb or any affiliated entity?</p> <p>7 <b>A. Yep.</b></p> <p>8 Q. And your answer was that you don't have personal</p> <p>9 knowledge of that and that you have to defer to</p> <p>10 the testimony of Mike Sawyer and Russell</p> <p>11 Schreiber, correct?</p> <p>12 <b>A. Correct.</b></p> <p>13 Q. And so what about Oliver Clark, did you review his</p> <p>14 testimony?</p> <p>15 <b>A. I did review his testimony as well, yeah.</b></p> <p>16 Q. Okay. So do you defer to that testimony as well?</p> <p>17 <b>A. I guess I can speak to what I believe they had</b></p> <p>18 <b>testified on if I'm sort of acting as</b></p> <p>19 <b>representative?</b></p> <p>20 Q. Yeah. Yep.</p> <p>21 <b>A. I guess that's what -- now I realize what</b></p> <p>22 <b>you're --</b></p> <p>23 Q. Yep. Yep.</p> <p>24 <b>A. So I believe that -- okay. In the testimony that</b></p> <p>25 <b>I read, I believe Mike and Russ knew of some</b></p> <p style="text-align: right;">Page 144</p>
<p>1 testimony.</p> <p>2 <b>A. Yeah.</b></p> <p>3 Q. I just haven't got an answer to the question yet.</p> <p>4 Okay. So the question is, was FICO aware that</p> <p>5 Chubb was using the Blaze software in Europe?</p> <p>6 <b>A. So I can't personally answer that because I don't</b></p> <p>7 <b>know, but I know that Mike Sawyer and Russ were</b></p> <p>8 <b>deposed on that topic. I don't know their</b></p> <p>9 <b>specific answers. I mean, it was obviously a long</b></p> <p>10 <b>testimony, so I'll have to rely on their knowledge</b></p> <p>11 <b>of it. I was not personally aware of any use.</b></p> <p>12 Q. Sure. Okay. I get that.</p> <p>13 <b>A. Okay.</b></p> <p>14 MS. JANUS: So let's maybe -- I'll circle</p> <p>15 back to that in a moment, but can we just take a</p> <p>16 quick --</p> <p>17 THE WITNESS: Yeah.</p> <p>18 MS. JANUS: -- 5-, 7-minute break and then</p> <p>19 reconvene?</p> <p>20 THE WITNESS: Yeah.</p> <p>21 (Recess taken 1:20 p.m. to 1:29 p.m.)</p> <p>22 BY MS. JANUS:</p> <p>23 Q. So we were talking about FICO's knowledge of the</p> <p>24 use of Blaze outside of the United States, and</p> <p>25 you've been designated to testify about that topic</p> <p style="text-align: right;">Page 143</p>	<p>1 <b>limited use of -- whether it be a POC or something</b></p> <p>2 <b>they were doing in the UK. I don't recall if</b></p> <p>3 <b>Oliver had knowledge of that. He seemed like he</b></p> <p>4 <b>was more in the sales aspect of it, but I think</b></p> <p>5 <b>that Mike and Russ were available and I think that</b></p> <p>6 <b>Russ testified that he believed it to be very</b></p> <p>7 <b>small and sort of testing the waters type of thing</b></p> <p>8 <b>and that given we had a good relationship with</b></p> <p>9 <b>Chubb that -- that he -- you know, he knew of it</b></p> <p>10 <b>anyway that -- yeah.</b></p> <p>11 Q. Okay. So there was knowledge that Chubb or an</p> <p>12 affiliated entity was using Blaze in Europe? FICO</p> <p>13 did have knowledge of use of Blaze in Europe?</p> <p>14 <b>A. Mike and Russ knew this, yes.</b></p> <p>15 Q. Okay. And they were the primary people at FICO in</p> <p>16 charge of the Chubb account, correct?</p> <p>17 <b>A. They were the sales teams in charge of the Chubb</b></p> <p>18 <b>account, or the sales personnel, yes.</b></p> <p>19 Q. Okay. Well -- and is that sort of the primary</p> <p>20 person in charge of the --</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. -- account?</p> <p>23 <b>A. Sorry. Yes. Yes.</b></p> <p>24 Q. Okay. Was there any assistance provided by FICO</p> <p>25 for Chubb's use of Blaze outside of the United</p> <p style="text-align: right;">Page 145</p>